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**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

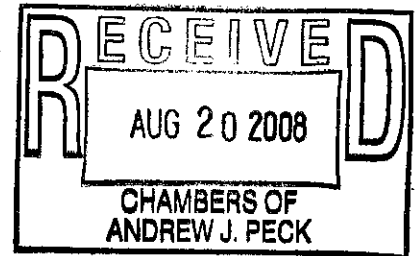
Dated: September 2, 2008

Total Number of Pages: 4

TO	FAX NUMBER
Camille D. Barnett Esq.	212-788-8877

Counsel apparently did not receive our August 21, 2008 facsimile Memo Order due to "transmission failure," although the order was filed via ECF. That Memo Order makes today's letter from counsel redundant. In the future, all faxes should go to Judge Kaplan - this is not a referred case.

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Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
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NEW YORK, NY 10007

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August 20, 2008

BY FAX

Via Personal Delivery and Facsimile – (212) 805-7933

Hon. Andrew J. Peck
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 1370
New York, NY 10007

MEMO ENDORSED 8/21/08

EXTENSION ONLY TO 9/15/08.
ANY FURTHER REQUESTS SHOULD BE
ADDRESSED TO JUDGE HYMAN IN SCOT,
UNLESS THE PARTIES CONSENT TO MY
DECIDING THE CASE PURSUANT TO
28 USC § 636(c).

Re: Ajayi v. NYC Department of Homeless Services, et al.
Docket No. 08 Civ. 3649 (LAK)(AJP)

SO ORDERED:

[Signature]
Hon. Andrew J. Peck
United States Magistrate Judge

Dear Magistrate Judge Peck:

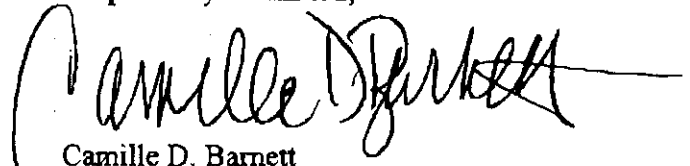
I am the Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to represent defendant New York City Department of Homeless Services¹ in the above-referenced action. I write to respectfully request a thirty-day extension of time to respond to plaintiff's Complaint, from August 25th to October 23rd. This is the first request for such an extension and plaintiff *pro se*, Mr. Oladele Ajayi consents to this request.

¹ This office has not discussed with the putative defendants the manner of service, and we make no representation herein as to the adequacy of process on these putative defendants. Although this office does not currently represent the individually named defendants, and assuming they were properly served, we respectfully request an extension of time to reply on their behalf also, in order that their defenses are not jeopardized while representational issues are being decided.

The instant matter is brought pro se pursuant to the Age Discrimination in Employment Act of 1967, the American With Disabilities Act of 1990, New York State Human Rights Law and The New York City Human Rights Law in which plaintiff alleges wrongful termination and failure to accommodate his disability. We are requesting this extension in order to afford this office the opportunity to investigate the allegations in the Complaint and prepare an appropriate response. In addition, because plaintiff has named six individual defendants in this matter, we will need to determine service, jurisdiction and representation issues. Additionally, the instant request is in part attributable to current schedule conflicts. In particular, I am preparing to start a trial in the matter of Shapiro et al. v. The New York City Department of Education et al. (JSR)(HBP) which is currently scheduled to commence on September 8th before Judge Rakoff. As this case involves eight plaintiffs and is scheduled to last approximately 3 weeks, it has consumed my schedule and has resulted in the need for the present application.

For these reasons, defendants respectfully request an extension of time to answer or otherwise respond to plaintiff's Complaint until October 23, 2008. Thank you for your consideration of this request.

Respectfully submitted,


Camille D. Barnett
Assistant Corporation Counsel

cc: Via Regular and Overnight Mail
327 Beach 31st Street
Far Rockaway, New York 11691



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007
FACSIMILE TRANSMISSION

TO:	Hon Andrew J. Peck United States Magistrate Judge	FROM:	Camille D. Barnett Assistant Corporation Counsel Labor & Employment Law Division phone: (212) 788-8685 fax: (212) 788-8877 email: CBarnett@law.nyc.gov
FAX #:	(212) 805-7933	DATE:	August 20, 2008

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Please contact me if you do not receive all pages.

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Re: Ajayi v. NYC Department of Homeless Services, et al.
Docket No. 08 Civ. 3649 (LAK)(AJP)

Please see transmitted correspondence.

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